

Washington County Land Use Authority Meeting
January 10, 2012
(Recording available)

The Washington County Land Use Authority Meeting was held Tuesday, January 10, 2012 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Dave Everett, Deborah Christopher, Mike Stucki, Kim Ford, and Rick Jones.

Excused: JoAnn Balen, Julie Cropper.

Staff present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; John Willie, Senior Planner; Dean Cox, County Administrator; and Doreen Bowers-Irons, Planning Secretary.

Audience attendance: Jerry Eves, Kendall Prisbrey, Chris Fornelius, Jeffery Gardner.

Chairman Wilson welcomed and thanked everyone for attending. He led the Pledge of Allegiance, after which, he explained meeting protocol.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

II. PUBLIC HEARING. Open hearing for Washington County General Plan on the private lands portion, part of the Washington County General Plan; County initiated.

The Planner stated the commission will need to open a public hearing as referenced by State Code, whereas amending a portion of the Washington County General Plan requires a minimum ten days published notice and 24-hour posting of agenda before other public meetings. *This item is in conjunction with the item below.*

Motion: Commissioner Everett **MOVED** to open the public hearing portion of the meeting. Commissioner Christopher seconded. The Motion carried unanimously. The public hearing portion was opened.

No one wished to speak on this item and no comments were made.

Motion: Commissioner Everett **MOVED** to close the public hearing portion of the meeting. Commissioner Christopher seconded. The Motion carried unanimously. The public hearing portion was closed.

III. GENERAL PLAN AMENDMENT. Consider an approval on an amendment to the Washington County General Plan by adopting a community plan for Pintura. Affordable Housing, and the private lands portion (*Section 7*) of the General Plan; County initiated.

The Planner stated Mr. John Willie has been working on the General Plan for a few years now and has presented additional materials on the General Plan for the private lands portion reviewing one (1) of the thirteen (13) community plans, which is Pintura. Also ready for review is the Affordable Housing Plan and general information regarding Private Land in Washington County. These are all available on the County Website for review along with the final community map. This has been properly advertised and the effected entities notified. There were two corrections noted, one on the water section and the other on the fire protection. The planning commission will need to make facts and findings recommending approval to the County Commission. This will go before the County Commission on January 17, 2012.

John Willie reported on the General Plan amendments for Pintura, the Affordable Housing, and the Private Lands portion of the Plan within Washington County. He explained how and why the amendments were made. He spoke about water requirements, fire protection and fire districts, public services, and the I-15 Freeway corridor.

The Commission and Mr. Willie discussed the General Plan, the surrounding area around Pintura, updated Affordable Housing issues, Private Lands, and other possible future changes at length. There were questions, answers, and clarifications of the changes made between the commission and staff.

The Commission discussed and made the findings of facts as follows:

- Public meetings were made where staff received input from the communities.
- Proper public notice was made.
- There were no comments, pro or con, during the Public Hearing.
- The Plan meets the Utah State General Plan initiative.

Motion: Commissioner Everett MOVED to recommend the County Commission approve an amendment to the General Plan by adopting a community plan for Pintura, the Affordable Housing Plan and private lands portion, with the following findings of fact:

- **Public meetings were made where staff received input from the communities.**
- **Proper public notice was made.**
- **There were no comments, pro or con, during the Public Hearing.**
- **The Plan meets the Utah State General Plan initiative.**

Commissioner Christopher SECONDED. The motion carried with five (5) Commissioners voting in favor.

This item will go before the County Commission on January 17, 2012 for consent.

IV. CONDITIONAL USE PERMIT EXTENSION. Review extension to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly; Trevor Townsend, applicant/agent.

The Planner reported this is an automatic review and the fourth extension; however, there are reports from the Public Works Department that the portion of the project in Washington County has been completed. The applicant previously submitted a route plat showing location of the petroleum pipeline, with the 12" line sizing. Public utilities and transmission lines are conditionally approved within the OSC-20 and OST-20 zones (*County Code 10-6A & B-3*). After 3 years, the applicant had started construction. As reviewed previously, the project was reviewed and permitted by BLM, with extensive environmental studies conducted complying with the National Environmental Policy Act (NEPA). The route of the pipeline through Washington County is a total of 48.16 miles in length. Ownership along the alignment of this pipeline is divided as follows: United States Forest Service, 28.8 miles; BLM, 14.5 miles; State Trust Land, 2.79 miles; and private ownership, 2.07 miles. UNEV is a 400-mile pipeline that originates near the refineries in North Salt Lake City and will deliver refined petroleum products to a terminal near Cedar City and from there to a terminal in North Las Vegas. The system will carry 62,000 barrels per day. The Iron County terminal will have the capacity to hold 165,000 barrels and the North Las Vegas terminal will hold 300,000 barrels. The line is jointly owned by Holly Energy Corporation, a Texas-based petroleum provider and Utah-based Sinclair Transportation Company. The Planning Commission may be ready to recommend permanent status.

Chris Fornelius, UNEV Pipeline representative, reported he is the general operations manager for the project. He stated that as of today, the pipeline is completed. There is 400 miles of pipeline from Salt Lake to Las Vegas. It is all tied in and the reseeded has been reclaimed. They are working with BLM for final approval of the cleanup and their buyoff on the project. The Cedar City terminal is in operation and sending product to Las Vegas. The product comes from Salt Lake to Cedar City and then from Cedar City to Las Vegas. He explained the capacities

and the way the pipeline works. He reiterated they are waiting for the signoff from BLM which should be sent shortly.

Todd Edwards asked about the fencing and if it was completed. Mr. Fornelius answered the majority of the fencing was completed. However, the fencing is not part of the construction portion; it is under the maintenance of the pipeline. The fencing and graveling is almost complete if it hasn't been done yet. Mr. Edwards reported the workers informed when he was up there it would be done in just a few days.

The commission had a short discussion on whether the project was completed or not. Mr. Edwards stated everything seems to be satisfactorily completed and he would recommend the commission approve the permit on a permanent status. After a short discussion of the project, the commission deemed it was complete for permanent status basis contingent on the BLM final approval letter being submitted to the Planning Office.

Motion: Commissioner Stucki MOVED to recommend the County Commission approve the conditional use permit to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly on a permanent basis contingent on a copy of final approval from BLM be submitted to the county; Trevor Townsend, applicant/agent. Commissioner Christopher SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on January 17, 2012 for consent.

V. CONDITIONAL USE PERMIT EXTENSION. Review permit extension for a staging area for pipe storage yard to be used on the UNEV petroleum pipeline, containing 13 acres, the Fenton Bowler property in Veyo; Trevor Townsend, agent/UNEV Pipeline LLC, applicant.

The planner reported this would be the 4th extension on the staging area, but there are reports that everything has been removed. The applicant previously showed there was a need for a staging area in the County and the ideal location is the Bowler property in Veyo, which was previously used by the IPP and Kern River projects. The commission may not want to take action on this item, which would allow the permit to lapse, whereas the use is no longer needed.

Mr. Edwards stated the project is completed and the storage yard has been cleaned up. Mr. Fornelius concurred and indicated he was agreeable to allowing the permit to expire.

Motion: Commissioner Ford MOVED to take no action on the conditional use permit to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly on a permanent basis contingent on a copy of final approval from BLM be submitted to the county; Trevor Townsend, applicant/agent. Commissioner Stucki SECONDED. The motion carried with all five (5) Commissioners voting in favor. The Conditional Use Permit expired.

VI. CONDITIONAL USE PERMIT EXTENSION. Review permit extension for the "IRONMAN" St. George Triathlon to take place in Washington County on May 5, 2012; Jeff Gardner, applicant.

The Planner stated this is the second extension. As previously reported, the number of IRONMAN applicants will be capped at 2,500. At this point in time, the promoters are not sure of the number of actual participants for the May 5, 2012 triathlon. The agent has submitted plans for the bike course, which runs 112 miles and loops twice from Old Hwy 91 to Gunlock, Veyo, Hwy 18 and Bluff Street. The bike ride is the only portion of the IRONMAN event within County jurisdiction. There will be three (3) Bike Aid stations in the unincorporated area of the County as follows: 1) on Main Street in Gunlock just after the church; 2) on Center Street in Veyo about 2 blocks before SR-18; and 3) Bike Special Needs located between Dammeron Valley Rd. and Homestead Dr. These types of events are reviewed conditionally at a public meeting to ensure citizens have the opportunity

to comment on the application (*County Code 10-18-2 (amended 2008)*). The bike course is the 2nd event and has a cut off at the start of the second loop (64-mile mark) at 2:05 pm. Any rider who has not reached the start of the second loop of the bike course by 2:05 pm will not be permitted to continue. The bike course will close at 5:00 pm. Athletes arriving at the bike dismount line after 5:30 pm will not be permitted to continue. The swim course will be the first part of the event, which is 2.4 miles and will take place at the Sand Hollow Reservoir in Hurricane. This course will close at 9:20 am – two hours and twenty minutes after the start. Athletes who have not crossed the timing mat at the swim exit by 9:20 am will not be permitted to continue. The run course is the last event of the day and is 26 miles; they will be running a new course throughout St. George, within the main part of town. The run course will close at midnight. All athletes still on the run course after the cut-off time will be disqualified but given the opportunity to unofficially finish the race. Road closures for the 112-mile Bike Course are at the same locations as last year. The County Sheriff's Office has written a letter stating they will provide services for the event and have discussed a safety plan. A certificate of insurance has been submitted showing the County as beneficiary. Aid stations and sanitation facilities were adequate at the previous event.

Jeff Gardner addressed the commission explaining the changes to the running course that will take place in St. George City. He handed out program information from 2011 and reported it was very successful.

The Commission and Mr. Gardner discussed the triathlon and its benefit to the County along with the volunteerism that takes place.

Chairman Wilson stated the County is proud is to support the event and looks forward to it this year.

Motion: Commissioner Stucki MOVED to recommend the County Commission approve the permit extension for the "IRONMAN" St. George Triathlon to take place in Washington County on May 5, 2012; Jeff Gardner, applicant. Commissioner Christopher SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on January 17, 2012 for consent.

VII. CONDITIONAL USE PERMIT EXTENSION. Review the permit extension for the Utah Summer Games Triathlon to be held on June 16, 2012. The event will begin at Gunlock Reservoir and end at the Snow Canyon High School, traveling on County Road Old Highway 91; Jeff Gardner, applicant.

The Planner stated this is an automatic annual review of the triathlon known as the "Utah Summer Games Triathlon". As previously noted, these types of events are conditionally approved in the county unincorporated areas. There are three (3) entities involved, Ivins, Santa Clara and the County. The race starts at the Gunlock Reservoir and finishing on the track at Snow Canyon High School. The Sprint Distance Race consists of: 1) 750 meter swim; 2) 15-Mile Bike; and 3) 5K Run. The swim and biking portions of this event is what the County would be concerned with. It should not take any more than two hours to complete the bike portion of the event. The applicant has worked with the Public Works Office to meet County requirements for use on the Gunlock Road and Old Hwy 91. The County Sheriff's Office has written a letter stating they will provide services for the event and have discussed the safety plan. An update on the Certificate of Insurance should be submitted showing the County as beneficiary. There may need to be additional sanitation facilities at the State Park site and along the route.

Jeff Gardner reported this event has been going on for over 30 years. He explained the course and how the triathlon would take place. He stated the event will be capped at 500 participants.

Motion: Commissioner Stucki MOVED to recommend the County Commission approve the Conditional Use Permit extension request for the Utah Summer Games Triathlon to be held on June 16, 2012. The event will begin at Gunlock Reservoir and end at the Snow Canyon High School, traveling on County Road Old Highway 91; Jeff Gardner, applicant.

Commissioner Christopher SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on January 17, 2012 for consent.

VIII. CONDITIONAL USE PERMIT EXTENSION. Review permit to locate four (4) wind towers on State Land near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicant.

The Planner stated this is an automatic annual review for a wind energy project located at Anderson Junction. At this point in time, no building permits have been issued. As previously reviewed, the four (4) towers will be located on SITLA property who has issued a letter stating they have accepted the application for processing, supporting their efforts, and asking for favorable consideration on the Conditional Use Permit application. The commission reviewed the application, SITLA letter, public notice photo, waivers, noise analysis (preliminary), shadow flicker analysis, FAA letters, environmental studies, right-of-ways and visual impacts. The feasibility study was included as a part of the packet. The BLM permitting on airspace/encroachment (setbacks) was submitted and is part of the file along with a petition submitted by the property owners at Anderson Junction who are in opposition to this project.

Jerry Eves addressed the commission. He thanked Deon Goheen and staff for the help they have provided. He stated USTAR has been extremely helpful. He reported on the progress of the project, noting they met with various government agencies on the project in order to move forward. He explained where they are in the progress noting that the feasibility study has been completed and delivered. They are now working on the construction study, which should be completed August 2012. They are looking at different wind turbines from various manufacturers, and one should be selected soon. The SITLA draft lease has been received and is being reviewed at this time. The plan is to have the towers in operation by the end of 2012. He asked that the extension be granted.

Motion: Commissioner Stucki MOVED to recommend the County Commission approve the Conditional Use Permit extension request to locate four (4) wind towers on State Land near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicant. Commissioner Christopher SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on January 17, 2012 for consent.

IX. CONDITIONAL USE PERMIT. Request permission to operate an Ag. Business on the J & J Guest Ranch for a petting zoo, fishing pond, group parties and weddings on 58 acres within the A-20 zone near New Harmony; Kendall Prisbrey, applicant.

The planner showed the proposed plan. She gave a short background on the property and reported Kendall Prisbrey would like to have an Ag Business with a petting zoo, fishing, parties, games and weddings. Portable toilets will be used when there is an activity on the premises. Those responsible for the function will supply water. Events will be catered by licensed food handlers. Staff suggested there should be handicapped parking available and a design plan more specific. Everything will be done to create an experience of being in an agricultural area out on the farm.

Kendall Prisbrey explained to the commission what he would like to do with the property. He had been approached from non-family members to use the land for various uses such as weddings, family parties, work parties, receptions, and various other activities. He would like to do this legally and therefore is asking for the Conditional Use Permit. He averred this would be day use only. No buildings will be constructed and no food will be provided. If food were involved it would be brought in by the guests or catered by catering companies. He reported on the type of animals and birds they own that would be utilized in the petting zoo. What the intent is is to create a "Stucki Farm" type environment.

Chairman Wilson asked for clarification on how this use is different from someone using their land for parties and uses such as these. The attorney answered it was based on the revenue that would be collected. These uses would be non-family parties and more people would attend.

Todd Edwards stated he had gone out and looked at the property and he would like to see a few minor changes to the plat such as the parking being graveled, a mesh installed around the bridge for safety and a few other minor changes.

The Commission discussed the project with the applicant, which included the changes to the plat staff would like addressed such as an all weather surface for parking, safety issues of the bridge, water and sanitary facilities, the intended usage of the property, which would be agriculture, signage, emergency medical assistance, etc. If the usage is changed from agricultural the applicant would need to apply for a commercial zone and use.

After a lengthy discussion, the commission made the Findings of Fact as follows:

- The use is in harmony with the intent of the A-20 zone, specifically with County Code 10-7-3.
- A detailed site plan has been submitted, reviewed and approved with an all weather surface of the parking lot and a few other minor changes.
- Complies with Washington County Ordinance Codes Title 10-18-6-A 1 a through g.

Motion: Commissioner Everett MOVED to recommend the County Commission approve the Conditional Use Permit request to operate an Ag Business on the J & J Guest Ranch for a petting zoo, fishing pond, group parties, weddings, and those types of uses on 58 acres within the A-20 zone near New Harmony, with the requirements suggested by staff addressing the parking needs, bridge safety, water, and sanitary services; Kendall Prisbrey, applicant, based on the following Findings of Fact:

- The use is in harmony with intent of the A-20 zone, specifically with County Code 10-7-3.
- A detailed site plan has been submitted, reviewed and approved by staff with an all weather surface of the parking lot and a few other minor changes.
- Complies with Washington County Ordinance Codes Title 10-18-6-A 1 a through g.

Commissioner Ford SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on January 17, 2012 for consent.

X. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on January 3, 2012; County initiated.

The Planner reported on the Staff meeting held January 3, 2012. There were no decisions made.

XI. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held December 13, 2011.

Motion: Commissioner Ford MOVED to adopt the Minutes of December 13, 2011 as written. Commission Christopher SECONDED. The motion carried with all five (5) Commissioners voting in favor.

XII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items December 20, 2011; County initiated.

The Planner reported on items on the County Commission agenda of December 20, 2011 from the Planning Commission that were approved, which were (a) Plat amendment for Lonnie Truman Subdivision Amended, to add two (2) new flag lots and revise Lot 1 generally located along Sage Road in Pine Valley, Lonnie and

Delmont Truman, applicants. This item was sent back to staff with a requirement for a cul-de-sac. (b) Conditional use extension on pasture grounds, stabling lease areas for horses and equipment, storage areas and workshop in the OST-20 zone south of Ivins, Terry Martin, applicant; (c) Conditional use permit for Rocky Mountain Power to install a 60' lattice tower within the OSC-20 zone on BLM land, west of Apple Valley, on Little Creek Mountain, Rocky Mountain Power/Holly Goth and Mark Cox, applicants; (d) Conditional use permit for the "Zion's 50 and 100 Ultra Marathon within the County unincorporated areas from Virgin on SR-9 to Gooseberry, looping around from Virgin to Kolob Terrace Road through Smith's Mesa and ending at Virgin, a 100 mile run (36 hours) Saturday, May 10 and 11, 2012, Matt Gunn, applicant. Items B through D were granted approval.

XIII. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

The planner informed the commission that the terms for Commissioners Doug Wilson, Julie Cropper, and Mike Stucki were up for reappointment. If these commissioners would like to remain on the Planning Commission the term is for 3 years. Otherwise, we would need to appoint a replacement. Also, the alternate commissioner is reappointed yearly, so if Rick Jones would like to continue in that role, his reappointment would also be required. Otherwise a replacement would be appointed. These appointments will go before the County Commission at their January 17, 2012 meeting.

Commissioner Everett moved to adjourn the meeting at 3:15 p.m.

Doreen Bowers-Irons, Planning Secretary
Approved: 14 February 2012